

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CAPITAL AREA IMMIGRANTS' RIGHTS
COALITION, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States, *et al.*,

Defendants.

Civil Action No. 1:19-cv-02117-TJK

I.A., *et al.*,

Plaintiffs,

v.

WILLIAM BARR, in his official capacity as
Attorney General of the United States, *et al.*,

Defendants.

Civil Action No. 1:19-cv-02530-TJK

**JOINT STATEMENT ON SCHEDULING CONCERNING
SUMMARY JUDGMENT PROCEEDINGS**

In light of the Supreme Court's order granting the government's application for stay pending appeal in *Barr et al. v. East Bay Sanctuary Covenant et al.*, No. 19A230, and this Court's minute order of September 9, 2019, the parties hereby respectfully request and state as follows:

1. The parties jointly and respectfully request that the parties' briefs concerning plaintiffs' motions for preliminary injunction be treated as briefs in support of cross-motions for

summary judgment.¹ The plaintiffs added in the amended complaint in *I.A. et al. v. Barr et al.*, see ECF No. 23 ¶¶ 25-29, shall be understood to be included in the *I.A.* plaintiffs' cross-motion for summary judgment.

2. Defendants request that each party be allowed to file supplemental briefs in support of their motions for summary judgment, limited to 10 pages for each set of Plaintiffs and 20 pages for Defendants (in a consolidated filing). Defendants believe that supplemental briefs are necessary to allow the parties to address non-duplicative issues including: procedural or factual developments since the preliminary-injunction briefs were filed; the legal standards applicable at summary judgment, which were not addressed in the preliminary-injunction briefing; the *I.A.* amended complaint's addition of more plaintiffs; and remedial considerations relevant at the summary-judgment stage.

3. Defendants respectfully request that the Court set the following schedule for the parties' cross-motions for summary judgment:

- Each party will file a statement of undisputed material facts on October 4, 2019.
- Each party will file a response to opposing parties' statements of undisputed material facts on October 16, 2019.
- Each party will file their supplemental brief on October 25, 2019.
- Defendants request that the Court hold a hearing on the parties' cross-motions for summary judgment on November 1, 2019, or any date thereafter convenient for the Court.

4. Plaintiffs respectfully request that the Court set the following schedule for the

¹ Because Defendants' motion will raise threshold jurisdictional arguments, the parties also jointly request that this Court hold Defendants' answer deadline in abeyance pending adjudication of the motions for summary judgment.

parties' cross-motions for summary judgment:

- Each party will file a statement of undisputed material facts on September 27, 2019.
- Each party will file a response to opposing parties' statements of undisputed material facts on October 4, 2019.
- Defendants will file their supplemental brief on September 27, 2019, and Plaintiffs will file their supplemental briefs on October 4, 2019.
- Plaintiffs request that the Court hold a hearing on the parties' cross-motions for summary judgment on October 11, 2019, or any date thereafter convenient for the Court.

Plaintiffs believe that it is appropriate that the case proceed expeditiously given that the challenged Rule is currently in effect. Additionally, should the Court grant Defendants' request for supplemental briefs, Plaintiffs believe that it is appropriate that they be given an opportunity to respond to Defendants' supplemental brief, rather than be required to file a simultaneous supplemental brief.

September 16, 2019

Respectfully submitted,

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** Motion for admission forthcoming*

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CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2019, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the District of Columbia by using the CM/ECF system. Counsel in the case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

September 16, 2019

Respectfully submitted,

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